

AMENDMENT

Application No. 10/014,981

REMARKS

At the time of the Examiner's Action, claims 1-21 were pending in the application. The Examiner restricted the claims into 3 claim sets or groups, namely Group I including claims 1-8, Group II including claims 9-14 and claims 19-21, and Group III including claims 15-18. Applicant provisionally elected Group I with traverse. Applicant has amended independent claims 9 and 15 so that the remaining claims sets (or portions thereof) should no longer be considered distinct from the provisionally elected Group of claims under MPEP sections 806.05(f) and (h). The process as claimed in amended claim 9 cannot be used to make materially different products or the product as claimed in claim 1 cannot be made by a materially different process. Likewise, the process for using a product as claimed in claim 15 cannot be used with a materially different product or the products as claimed in claim 1 cannot be used in a materially different process of using that product. As amended, all the remaining claims (elected and non-elected) should be considered part of a single invention properly examined in a single application. Applicant respectfully requests same. Note, if procedurally more convenient, the Applicant can alternatively add current claims 9-11, and 13-18 as new added claims 22-30.

The Examiner rejected claims 1 and 8 under 35 U.S.C. §102 as being anticipated by Derbyshire. The Examiner also rejected claims 1, 2, and 8 under 35 U.S.C. §102(b) as being anticipated by Vadhar. The Examiner also rejected claims 5-7 under 35 U.S.C. §103(a) as being unpatentable over Vadhar or Derbyshire in view of Applicant's acknowledged state of the art. Finally, the Examiner also rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Vadhar in view of the definition of "spool".

With respect to Derbyshire, a closure method is discussed in the context of shrink-wrap tubing a cable that has been spliced. The "film" of Derbyshire includes a "lap bond" and a "peel bond" where the peel bond breaks as the film shrinks as it forms around the cable. Figure 4 of Derbyshire only illustrates a single film as shown in Figure 6 as well.

AMENDMENT

Application No. 10/014,981

There is no package nor is the film folded and rolled into a roll or folded film as currently claimed. Since Derbyshire fails to teach, suggest or mention a folded film made from a first film folded substantially in the shape of a "J" and a second film that is coupled to the first film to form the overall folded film. Note that Derbyshire further fails to teach, suggest, or contemplate a roll of folded film as claimed. Thus, the applicant respectfully believes claims 1-11 and claims 13-18 are novel over Derbyshire.

With respect to Vadhar, a two-component laminated multi-layer film suitable for use in packaging articles is discussed. Once again, as illustrated in FIG. 2B or Vadhar, a single film is shown having a lap seal whereas the present invention as claimed recites a folded film made from a first film folded substantially in the shape of a "J" and a second film that is coupled to the first film to form the overall folded film. Note that Vadhar further fails to teach, suggest, or contemplate a roll of folded film as claimed. Thus, the applicant respectfully believes claims 1-11 and claims 13-18 are novel over Vadhar.

With respect to claim 7, note that printed on the lap seal are using the present invention is novel and not obvious in that the printing can be conveniently done either before or after the coupling of the first and second films. As discussed in the specification, the printing is preferably done before coupling. Further note that before the existence of this arrangement as claimed, an L-Sealer device could not provide a package including a lap seal. Using the embodiments of the present invention in the form of a roll of folded film, an L-Sealer device can now provide a package that provides a lap seal. Typically, only a more expensive FFS machine provided a lap seal.

With respect to claims 3 and 4, the Examiner is directed to the discussion in paragraph 0027 and FIG. 4 of the present invention. In particular, since the folded film will likely have an area the bulges out when formed onto a roll due to the overlapping area, having a folded roll of film with a diameter that is smaller than the diameter of the core chucks can be important for the smooth dispensing of the folded film.

AMENDMENT

Application No. 10/014,981

Therefore, the Applicant respectfully believes the claims of the present invention as amended overcomes the rejections under 35 U.S.C. §102 over Derbyshire or Vadhar and further overcomes the rejections under 35 U.S.C. §103 over Derbyshire or Vadhar in view of any other reference cited.

Early indication of allowability is respectfully requested. Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

December 15, 2003

Date

Docket No. 7243-1



Pablo Meles

Registration No. 33,739

AKERMAN SENTERFITT

222 Lakeview Avenue, Suite 400

P.O. Box 3188

West Palm Beach, FL 33402-3189

Tel: 954-463-2700

AMENDMENT
Application No. 10/014,981

CLAIMS

What is claimed is:

- 1 1. (amended) Folded film used to create a package having a lap seal using an L
2 sealer, comprising:
 - 3 a first film folded substantially in a form of a "J"; and
 - 4 a second film overlapping at least a portion of the first film, wherein
 - 5 the first film and the second film are coupled together in at least a portion of an
 - 6 overlapping area and the first film and second film are rolled onto a core to form a
7 roll of folded film used to make the package.
- 1 2. (amended) The folded film of claim 1, wherein the first film and second film are
2 rolled onto a tubular core to form [a] the roll of folded film.
- 1 3. (original) The folded film of claim 2, wherein the roll of film further comprises
2 core chucks on opposing sides of the tubular core.
- 1 4. (original) The folded film of claim 2, wherein the roll of film has a diameter that
2 is smaller than a diameter of the core chucks.
- 1 5. (original) The folded film of claim 1, wherein at least one of the first film or the
2 second film further comprises at least one perforation.
- 1 6. (original) The folded film of claim 1, wherein the portion of the overlapping area
2 comprises a plurality of perforations.
- 1 7. (original) The folded film of claim 1, wherein the overlapping area further
2 comprises printing.

AMENDMENT

Application No. 10/014,981

1 8. (original) The folded film of claim 1, wherein the first and second films are
2 made from materials selected from the group comprising polyolefin,
3 polyvinylchloride, polypropylene, or any combination thereof.

1 9. (amended) A method of forming film used to create a lap seal, comprising the
2 steps of:
3 providing a first film;
4 applying a second film to overlap at least a portion of the first film; and
5 coupling the first film to the second film in at least a portion of an
6 overlapping area of said first and second films; and
7 substantially center folding the coupled first and second films to form folded
8 film.

1 10. (original) The method of claim 9, wherein the step of coupling further
2 comprises the step of creating at least one perforation in at least one of the first or
3 second films.

1 11. (original) The method of claim 9, wherein the step of coupling comprises a
2 step selected among the steps in the group comprising coupling using a drag wire,
3 coupling using hot melt, or coupling using static points.

1 ~~12. (Cancelled) The method of claim 9, wherein the method further comprises the~~
2 ~~step of substantially center folding the coupled first and second films to provide~~
3 ~~folded film.~~

1 13. (original) The method of claim 12, wherein the method further comprises
2 rolling the folded film onto a tubular core to form a roll of folded film.

AMENDMENT

Application No. 10/014,981

1 14. (original) The method of claim 9, wherein the method further comprises the
2 step of printing onto the overlapping area.

1 15. (amended) A method of shrink wrapping an item ~~to form~~ having a lap seal
2 using an "L" sealer machine, comprising the steps of:
3 dispensing pre-folded film having a pre-existing lap seal on the pre-folded
4 film onto a separator table of the L sealer machine, wherein the pre-folded film is
5 formed from a first film folded substantially in a form of a "J" and a second film
6 overlapping at least a portion of the first film;
7 inserting an item between the separator table and a first side of the pre-
8 folded film; and
9 sealing the item on at least two sides using a substantially L-shaped heated
10 bar forming a substantially wrapped item.

1 16. (original) The method of claim 15, wherein the step of dispensing further
2 comprises the step of perforating the pre-folded film as the pre-folded film is being
3 dispensed.

1 17. (original) The method of claim 15, wherein the pre-folded film is already pre-
2 perforated.

1 18. (original) The method of claim 15, wherein the method further comprises the
2 step of heating the substantially wrapped item to force a substantial portion of air
3 between the pre-folded film and the item out of at least one perforation in the pre-
4 folded film.

AMENDMENT

Application No. 10/014,981

- 1 ~~19. (non-elected) A method of forming film used to create at least one lap seal,~~
2 ~~comprising the steps of:~~
3 ~~—— providing at least a first film;~~
4 ~~—— applying a subsequent film to overlap at least a portion of the first film; and~~
5 ~~coupling the first film to the subsequent film in at least a portion of an~~
6 ~~overlapping area of said first and subsequent films.~~
- 1 ~~20. (non-elected) The method of claim 19, wherein the method further comprises~~
2 ~~the step of repetitively overlapping additional films to a previous film and~~
3 ~~repetitively coupling such additional films to the previous film to form a roll of~~
4 ~~overlapping film.~~
- 1 ~~21. (non-elected) The method of claim 20, wherein the roll of overlapping film has~~
2 ~~a plurality of film portions of substantially the same dimension~~